UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,250	10/23/2003	John B. Bley	WILY-01017US0	8615

			EXAMINER
28554	7590	12/05/2006	KENDALL, CHUCK O

VIERRA MAGEN MARCUS & DENIRO LLP
575 MARKET STREET SUITE 2500
SAN FRANCISCO, CA 94105

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20061012

DETAILED ACTION

1.   This is in response to application filed 10/23/03.

2.   Claims 1 – 36 have been examined are pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-9,12,14,15,19, 21-23 and 27- 31 are rejected under 35 U.S.C. 102(b)

as being anticipated by Chang US 6,314,430 B1.

Regarding claims 1 and 29, Chang anticipates a method for adding functionality

in order to access information, comprising:

automatically adding first additional code to existing code that creates a first

software entity, said first additional code stores first data relevant to said first software

entity, said first data is available when said first software entity is created (3:30 – 40,

see task and creating Database object); and

automatically adding second additional code to existing code that uses said first software entity, said second additional code accesses second data relevant to said first software entity and correlates said second data with said first data (3:50 – 55, see first and second method).

Regarding claim 2, a method according to claim 1, wherein: said existing code that creates a first software entity and said existing code that uses said first software entity are part of a single application (3:30 – 35, discuses an application).

Regarding claim 3, a method according to claim 1, wherein:

said second data relevant to said first software entity includes information about use of said first software entity (3:47 – 55, see prepared statements).

Regarding claim 4, a method according to claim 1, wherein:

said first software entity is an object (3:33 – 37, see database object).

Regarding claims 5 and 30 method according to claim 1, wherein:

said existing code that creates a first software entity and said existing code that uses said first software entity are object code (2:25 – 30, discloses pre-compiled code which Examiner interprets to be object code).

Regarding claim 6, a method according to claim 1, wherein:

said existing code that creates a first software entity and said existing code that uses said first software entity are Java object code (4:60 – 65, see JDBC parameters).

Regarding claim 7, a method according to claim 1, wherein:

said existing code that creates a first software entity is part of a larger set of code (3:30, see application); and

prior to said step of automatically adding first additional code, said first data is not always made available by said larger set of code (see, FIG. 5,350 and 210 and all associated text).

Regarding claim 8, a method according to claim 1, further comprising the steps of:

executing said first additional code with said existing code that creates said first software entity (3:40– 50, see execute SQL transactions and first method); and

executing said second additional code with said existing code that uses said first software entity (3:40 – 50, see execute SQL transactions and second method).

Regarding claim 9, a method according to claim 1, further comprising the steps of:

storing said first additional code with said existing code that creates said first software entity (5:47 – 51); and

storing said second additional code with said existing code that uses said first

software entity (5:47 – 51).

Regarding claim 12, a method according to claim 1, wherein:

said first software entity is an object that pertains to a connection (3:17 – 20).

Regarding claim 14, the machine implemented version of claim 1, see rationale

above as previously discussed.

Regarding claim 15, the machine implemented version of claim 5, see rationale

above as previously discussed.

Regarding claims 19 and 27, a method for adding functionality in order to access

information, comprising:

modifying existing object code to add new functionality (5:25 – 30, see SQL

insert statement); and

executing said modified existing object code, said step of executing includes

creating an object, storing first data relevant to said object, tracing said object to

produce trace data and correlating said trace data to said first data (7:40 – 50); said

steps of creating, storing and correlating are performed by new code added

during said step of modifying (7:40 – 50).

Regarding claims 20 and 28, a method according to claim 19, wherein:

said object pertains to an SQL statement (FIG. 6,350);

said first data indicates said SQL statement (FIG. 6, 375); and

said trace data is correlated to said first data using said object.

Regarding claim 21, a method according to claim 20, wherein:

said step of executing includes causing a performance of said SQL statement;
and

said trace data indicates a time for performing said SQL statement.

Regarding claim 22, one or more processor readable storage devices having

processor readable code embodied on said processor readable storage devices, said

processor readable code for programming one or more processors to perform a method

comprising: automatically adding first additional code to existing code that creates a first

software entity, said first additional code stores first data relevant to said first software

entity, said first data is available when said first software entity is created (3:30 – 40,

see task and creating Database object); and

automatically adding second additional code to existing code that uses said first

software entity, said second additional code accesses second data relevant to said first

software entity and correlates said second data with said first data (3:50 – 55, see first

and second method).

Regarding claim 23, one or more processor readable storage devices according

to claim 22, wherein:

said first software entity is an object(3:33 – 37, see database object); and

said existing code that creates a first software entity and said existing code that

uses said first software entity are object code(2:25 – 30, discloses pre-compiled code

which Examiner interprets to be object code).

Claim Rejections - 35 USC § 103

5.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.　　Claim 10,11, 13, 16 – 18, 20, 24 – 26 and 32 - 36 is rejected under 35 U.S.C.

103(a) as being unpatentable over Chan US 6,314,430 as applied in claim 1, in view of

Ibert et al. US 2003/0195997 A1.

Regarding claims 10, 24,31 and 34, Chang discloses all the claimed limitations

as applied in claim 1 above. Chang doesn't expressly disclose a method according to

claim 1, wherein said second additional code traces said first software entity in order to

produce trace data and said second data includes said trace data. However, Ibert in an analogous art and similar configuration discloses an EMT (error message and tracing) framework with is responsible for logging all the error messages and information of the connector (0357). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine, Chang and Ibert because it would enable logging information for the connector/connection objects.

Regarding claims 11,17, 25 and 32 a method according to claim 10, wherein:

said first software entity is an object (3:30 – 40, see database object);

said first additional code stores said object with said first data (5:47 – 51);

said second additional code uses said object to correlate said trace data with said first data (Ibert, 0357).

Regarding claims 13,18, 26, 33 and 34 – 36 a method according to claim 1, wherein:

said first data indicates an SQL statement (3:40 – 45);

said first software entity is an object that pertains to said SQL statement (3:40 – 45);

said existing code that creates said first software entity receives said SQL statement (3:40 – 45, see exchange of parameters between task and database object);

said first additional code stores said SQL statement and said object (5:47 – 51, see saves SQL Query prepared statement);

said existing code that uses said first software entity causes the execution of said

SQL statement (3:40 – 45);

Chang doesn't expressly disclose a method according to claim 1, wherein said

second additional code traces a use of said object and produces resulting trace data,

said second additional code stores said trace data with said first data. However, Ibert in

an analogous art and similar configuration discloses an EMT (error message and

tracing) framework with is responsible for logging all the error messages and

information of the connector (0357). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine, Chang and Ibert

because it would enable logging information for the connector/connection objects.

Regarding claim 16 and 20, a method according to claim 14, wherein:

Chang discloses all the claimed limitations as applied in claims 14 above. Chang

doesn't expressly disclose said step of adding second additional code includes adding

code that traces said first software entity and produce trace data, said second data

includes said trace data; and said step of adding second additional code further

includes adding code that stores said trace data with said first data using said first

software entity to correlate said trace data with said first data. However, Ibert in an

analogous art and similar configuration discloses an EMT (error message and tracing)

framework with is responsible for logging all the error messages and information of the

connector (0357). Therefore it would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine, Chang and Ibert because it would enable logging information for the connector/connection objects.

Correspondence information

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.